

COX, WOOTTON, LERNER, GRIFFIN & HANSEN LLP

NORMAND R. LEZY 6297

E-Mail: nlezy@cwlfirm.com

MICHAEL J. NAKANO 6940

E-Mail: mnakano@cwlfirm.com

SHAWN L. M. BENTON 8332

E-Mail: sbenton@cwlfirm.com

Davies Pacific Center, Suite 1099

841 Bishop Street

Honolulu, Hawaii 96813

Telephone: (808) 744-7020

Facsimile: (808) 354-0427

Attorneys for Defendant

WALMART INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HERBERT HARA,

Plaintiff,

vs.

WAL-MART STORES, INC.; JOHN
DOES 1-10; JANE DOES 1-10; DOE
PARTNERSHIPS 1-10; DOE
CORPORATIONS 1-10; and DOE
ENTITIES 1-10,

Defendants.

CIVIL NO. 22-00446
(Other Non-Vehicle Tort)

**NOTICE OF REMOVAL;
EXHIBITS “A” – “B”;
CERTIFICATE OF SERVICE**

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII:

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant WALMART INC. (incorrectly identified as “WAL-MART STORES, INC.”)(“WALMART”), files this Notice of Removal in the case now pending in the Circuit Court of the First Circuit, State of Hawaii, styled Herbert Hara v. Wal-Mart Stores, Inc., et al., Civil No. 1CCV-20-0000488. As grounds for removal, WALMART states as follows:

1. On March 27, 2020, Plaintiff HERBERT HARA (“PLAINTIFF”) filed a complaint in Civil No. 1CCV-20-0000488 in the Circuit Court of the First Circuit, State of Hawaii, against WALMART.
2. Upon information and belief, WALMART states that no other party has been named or appeared in the action.
3. WALMART was served with the complaint on September 13, 2022.
4. PLAINTIFF alleges in his complaint that WALMART is liable to him for damages in connection with an April 9, 2018 accident that occurred on WALMART’s premises.
5. PLAINTIFF is a citizen of the State of Hawaii.
6. WALMART is a citizen of the State of Delaware (place of incorporation) and of the State of Arkansas (principal place of business).
7. PLAINTIFF alleges in his complaint that as the result of the April 9, 2018 accident, he sustained serious injuries.

8. PLAINTIFF prays in his complaint for an award of general and special damages against WALMART. However, because Hawaii law prohibits *ad damnum* clauses in complaints, PLAINTIFF does not specify the amount of damages that he prays for.

9. PLAINTIFF's counsel has affirmed that PLAINTIFF's claimed damages exceed the sum or value of \$75,000.00.

10. This court has original jurisdiction over civil actions where the matter in controversy exceeds the sum or value of \$75,000.00 and is between citizens of different States within the meaning of 28 U.S.C. §1332.

11. A true and correct copy of PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "A", and comprises all process, pleadings, and orders served upon WALMART in the action.

12. A true and correct copy of WALMART's answer to PLAINTIFF's complaint filed in the Circuit Court of the First Circuit, State of Hawaii, is attached hereto as Exhibit "B".

WHEREFORE, Defendant WALMART INC. prays that the above-entitled action be removed from the Circuit Court of the First Circuit, State of Hawaii, to the United States District Court for the District of Hawaii.

DATED: Honolulu, Hawaii, October 12, 2022.

/s/ Normand R. Lezy

NORMAND R. LEZY
MICHAEL J. NAKANO
SHAWN L. M. BENTON
Attorneys for Defendant
WALMART INC.